

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

District of

Division

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2018 JUN -1 PM 2:03

OFFICE OF THE CLERK

Case No.

8:18CV242

(to be filled in by the Clerk's Office)

Alfonso R. Mosley

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

State of Nebraska

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

RECEIVED

JUN -1 2018

CLERK
U.S. DISTRICT COURT

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Alfonso R. Mosley

All other names by which
you have been known:

ZO, Big Zeus, AL

ID Number

Current Institution

Douglas County Department of Corrections

Address

710 S. 17th St.

Omaha

City

NE

State

68102

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Omaha Police Department

Job or Title (*if known*)

Officers

Shield Number

N/A

Employer

State of NEBRASKA

Address

N/A

Omaha

City

NE

State

68107

Zip Code

☐ Individual capacity☒ Official capacity

Defendant No. 2

Name

Douglas County Department of Corrections

Job or Title (*if known*)

County Officers

Shield Number

6593, 6827, 8098 And more unknown at time

Employer

Douglas County

Address

710 S. 17th St

Omaha

City

NE

State

68102

Zip Code

☐ Individual capacity☒ Official capacity

Defendant No. 3

Name Douglas County sherrif
 Job or Title (if known) Officer's / sheriff's
 Shield Number unknown
 Employer state of Nebraska / Douglas County
 Address 710 S. 17th St
Omaha NE 68102
City State Zip Code
☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name Douglas County Courthouse
 Job or Title (if known) Judges and District Attorney's
 Shield Number unknown
 Employer State of Nebraska
 Address 17th Farnam St.
Omaha NE 68102
City State Zip Code
☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

False Imprisonment, Discrimination, Defamation of Character,
not Innocent to proven guilty, Inhuman Living conditions, Attempted
Murder.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

At least one hour of rec time to prisoners, Perjury from District Attorney, Attempted Murder, False Imprisonment, And Right to a fair trial.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The Omaha police Department try to Assault me using way to much force they struck me with mutiple tazor's and guns on october 17, 2017
The Douglas County of Corrections place me in module 20 where Assaulted me and forced me to take drug's against my will →

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☒ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Attempted Murder on 13th Jackson on Oct 17, 2017
False Imprisonment at Douglas County Courthouse on 17th Fernman and
in the Douglas County Department of Correction Courthouse.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

I've been going A/C and A/S for 11 years now I don't remember all the dates but should be in the computer and on camera where denied my rec, A proper meal and the Assaulted me!

And they also did not feed us inmate's a Balanced meal and they put me on water ristriction that's when they cut off your water supply. They also asscuted me several time's and they failed to give me proper recreation.

The Douglas County Courthouse failed to give a fair hearing of several occasion's and District attorney's gave false report's in Misdemenor and felony court.

The douglas County sherrif is in Accesory because I called and sent letters to them and they where aware of what was going on and still transported me to and from PCDC to the court house!!

C. What date and approximate time did the events giving rise to your claim(s) occur?

March 27, 2017, September 3, 2017, October 17, 2017, December 18, 2017
December 24, 2017 and other times unknown
January 25, 2018

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was shot at multiple times by the omaha police Department with a razor and some type of gun. I was maced and Assaulted by Douglas county Department of correction's officers. It's on camera at the jail and also at cubby's convenient store. I was given false charges by the District Attorney! It's in the records.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I numerous laceration's on my arm's I have bruises on my back where I had a boil the size of a baseball and I have a little scar on my forehead from blacking out and falling face first!

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

\$ 250 million for pain and suffering, Emotional distress, False Imprisonment, Attempted Murder, Insufficient counsel, Federal negligence.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☒ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Because you don't get grievances by request you have fill out a kite and I was dined such thing's as pen's and kites

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I complained to the sergent's of the Jail and they ignored me on several occasions.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I have evidence that they did not respond to me on the regular bases and the GPD did not follow the constitutional rights every inmate should have!

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

5/27/2018

Signature of Plaintiff

Alfonso Mosley

Printed Name of Plaintiff

Alfonso Mosley

Prison Identification #

1423273

Prison Address

710 S. 17th StOmaha
CityNE
State68102
Zip Code**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Alfonso Mosley

Printed Name

(1423273) (11/18)

Data # Module #

Douglas County

DEPARTMENT OF CORRECTIONS

710 SOUTH 17TH STREET

OMAHA, NEBRASKA 68102



Clerk U.S. District Court
111 South 18th Plaza Suite 1152
Omaha, NE 68102-1322

RECEIVED

JUN - 1 2018

CLERK
U.S. DISTRICT COURT